

REMARKS

This Amendment, submitted in response to the Office Action dated June 30, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-22 are pending in the present application.

I. Preliminary Matter

Applicant respectfully requests that the Examiner approve the drawings filed December 28, 2000.

II. Claim Rejections under 35 U.S.C. § 102

Claims 1, 8 and 13-21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Wafler (U.S. Patent No. 5,510,896).

Wafler is directed to a method and apparatus for calibrating a copier. In calibrating the copier of Wafler, subsystems of the copier are individually calibrated to prevent errors in one subsystem (e.g. scanning subsystem) from affecting other subsystems (e.g. printer, automatic document transporting subsystem). See col. 1, lines 46-54. In calibrating, for example, the scanning subsystem, a test original document (printed from a calibrated system) is scanned and stored in memory. Another location stores an actual digital representation of the known original. A comparator compares parameters of the scanned digital representation with the actual digital representation. Any differences can be compensated for and calibrated to obtain a desired I/O transfer function for the scanner subsystem.

Claim 1

Claim 1 recites:

"An image processing condition setting apparatus for determining an image processing condition defining contents of an image processing to set up the image processing condition to an image processing apparatus for executing the image processing in accordance with the determined image processing condition, said image processing condition setting apparatus comprising: an image obtaining section.. an initial image processing condition determination section..an image processing condition determination section..and an image processing condition setting section..."

Applicant respectfully requests that the Examiner more particularly identify what elements of Wafler are being cited for teaching the claimed image processing condition setting apparatus and image processing apparatus. In addition, Applicant requests that the Examiner particularly identify what is being cited for teaching the claimed image obtaining section, initial image processing condition determination section, image processing condition determination section and image processing condition setting section, of the image processing condition setting apparatus.

In addition, in order to establish grounds for anticipation, the Examiner must show that each and every element is disclosed in the cited art. In rejecting claim 1, the Examiner merely cites the various operations and method steps performed by Wafler and the Examiner does not indicate where the structural elements are disclosed in the cited art.

As previously indicated, the Examiner cites a first "Adjust Scanner Parameters to Appropriate I/O Function for teaching an initial image processing condition determination

section and cites a second “Are Values Same?” and “Adjust Parameters to Appropriate I/O Function” (See Fig. 6) for teaching an image processing condition determination section. However, it appears that the aspect of Wafler that performs the first and second “Are Values Same?” calculation, are both performed by the comparator section 124. Comparator section 124, which is located within processing subsystem 7, compares any desired parameters of the scanned digital representation with the actual digital representation. Col. 6, lines 61-64; col. 7, lines 25-30. Therefore, there is no initial image processing condition determination section **and** image processing condition determination section, as recited in claim 1.

The Examiner asserts on page 5 of the Office Action that “the former element [initial image processing condition determining section] is read on the means for carrying out the scanner adjustment derived from a comparison of the ‘known original values’ with the ‘image signal’ derived from scanning the ‘known original,’ [of Wafler] and the latter element [image processing condition determining section] is read on the means for carrying out the scanner adjustment derived from a comparison of the ‘known test print values’ with the ‘image signal’ derived from scanning the ‘hard copy of the known test print’ [of Wafler].”

However, it is unclear what aspect of Wafler is being cited for disclosing the means elements cited by the Examiner. In particular, Wafler states that such adjustments can be performed automatically by the system or the system can notify the operator or repair technician as to which subsystem is at fault and the parameter that is out of adjustment, as well as any information relating to the amount of correction or adjustment needed. See Wafler col. 7, lines 4-7. However, there is no indication as to what structural elements of the system of Wafler performs the adjustments. In particular, there is no teaching or suggestion of an initial image

processing condition determination section and an image processing condition determination section, as recited in claim 1.

The Examiner cites the test original which is placed on the document platen and subsequently scanned, for teaching the claimed “image obtaining section for obtaining **an image according to an original image to be subjected to an image processing** in said image processing apparatus.” Claim 1 further recites “an image processing condition determination section for determining in accordance with an operation an image processing condition having a **desired deviation** from the **initial image processing condition** determined by said initial image processing condition determination section.”

However, at no point would a deviation of the original image of Wafler be desired. In particular, the original image of Wafler is printed from a calibrated system and is used as a basis of comparison in determining whether parameters within, for example, a scanning system, are correct. If a deviation were to exist in the original image, this would defeat the entire operation of Wafler and a calibrated system would not be obtained.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 13 recites similar elements, claim 13 and its dependent claims should also be deemed allowable for at least the same reasons.

Claim 8

In response to Applicant’s argument that Wafler does not disclose “wherein said image processing condition determination section produces a plurality of images by a plurality of image

processings based on the image processing condition..." as recited in claim 8, the Examiner asserts that:

"the first 'image processing condition' is based on 'store known original image values in memory' and 'scan known original' steps of Wafler. Multiple operations of the steps shown in Wafler Figure 6 would begin with this (same) "image processing condition", and then produce mutually different deviations resulting from the individual variations of the 'hard copy of known test print' produced by the printer."

However, as evidenced by the Examiner's own statement, **a plurality of images** are not produced based on **the image processing condition** but a plurality of images are obtained on separate, **non-related** image processings.

In addition, the aspect of Wafler cited for disclosing the elements of claim 8, does not appear to be consistent with the means for carrying out the scanner adjustment derived from a comparison of the 'known test print values' with the 'image signal' derived from scanning the 'hard copy of the known test print' which the Examiner earlier cites for teaching the claimed image processing condition determination section.

For at least the above reasons, claim 8 should be deemed allowable.

III. Allowable Subject Matter

Claim 22 is allowed.

The Examiner has indicated that claims 2-7 and 9-12 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At the present time, Applicant has not rewritten claims

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
Appln. No.: 09/749,657

Attorney Docket No.: Q62442

2-7 and 9-12 in independent form since we believe they will be deemed allowable, without amendment, by virtue of their dependency to claim 1 for the reasons set forth above.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Ruthleen E. Uy
Registration No. 51,361

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 30, 2005